

Remarks

Introduction

Claims 1-10 are pending in the above application. Claim 1-10 have been rejected.

Applicants request reconsideration and withdrawal of the finality of the Office Action dated November 3, 2006 for at least the following reasons, as supported within.

The Office Action was prematurely made final since applicants' amendments in their Amendment and Response dated September 13, 2006 did not necessitate a new search. Specifically, prior to amendment, claim 7 was reasonably understood in view of the specification to require "a base and transom, which base and transom are both channel-shaped."

In addition, this response touching upon the merits of the application could not have been presented earlier. In applicants Amendment and Response dated September 13, 2006, applicants showed why the cited references did not describe or suggest the claimed subject matter and thereby rebutted any *prima facie* showing of obviousness. In the final Office Action dated November 3, 2006, the Examiner did not rebut applicants showing, instead stating that "applicant provides no support" for the stated differences in the prior art. See Office Action at p. 9, 11. In addition, the Examiner relied upon personal knowledge as a basis of rejection, which reliance applicants submit is improper in view of applicants request for an affidavit, see 37 C.F.R. 1.104(d)(2); MPEP 2144.03, and in view of the Office Action being made final, see MPEP 2144.03(A).

In addition, the Office Action Summary indicates that the Office Action is non-final.

Claim Rejections under 35 U.S.C. § 103

Claim 1

Claim 1 has been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,700,809 to Lazar in view of JP 06-144,748 to Akira and U.S. Patent No. 3,631,942 to Brounn.

Lazar does not disclose or suggest “stiffeners on the interior of the shell panels to provide suitable support” as required by claim 1.

The Examiner has stated that Lazar discloses an elevator cab having “stiffeners, referred to as vertical corrugations 69, 79, on the interior of the shell panels 60, 70 to provide suitable support.” November 3 Office Action at 2.

Applicants respectfully submit that this is not correct. As stated previously:

Lazar does not disclose or suggest stiffeners on the interior of the shell panels to provide suitable support as required by claim 1. As shown in the Figure of Lazar, the vertical corrugations, 69, 79 are on the **outside** of the shell panels 60, 70, **not on the interior**.

Applicant’s Response dated September 13, 2006 at p. 7 (emphasis added).

In addition, Lazar states that “Each of the side edges 66 and 68 form one leg of a U-shaped channel 66a, 68a that projects at a right angle towards the car **exterior** from the respective side edge 66, 68 a distance t.” Lazar, Col. 2, lines 22-25 (emphasis added).

As shown in the Figure of Lazar, the channels 66, 68 are on the same **exterior** side as

vertical corrugations 69, 79. Furthermore, nowhere in Lazar are the vertical corrugations 69, 79 described as stiffeners to provide suitable support.

In addition, there is no suggestion in Lazar to provide “stiffeners on the interior of the shell panels to provide suitable support” as required by claim 1, and the Examiner has not pointed to any such suggestion.

Akira does not disclose or suggest “stiffeners on the interior of the shell panels to provide suitable support” as required by claim 1.

Akira also fails to disclose or suggest “stiffeners on the interior of the shell panels to provide suitable support” as required by claim 1. Akira only discloses corner pillars 3 and joints 4 provided at the corners of the cab, not stiffeners on the interior of the shell panels.

In the “Response to Arguments” of the Office Action dated November 3, 2006, the Examiner has stated that:

“applicant provides no support for why pillars 3 and joins 4 cannot be considered stiffeners.”

Office Action dated November 3, 2006 at p. 9.

Applicants respectfully submit that this is incorrect. Applicant provided such support and basis for why Akira does not disclose “stiffeners on the interior of said shell panels to provide suitable support” as follows:

As stated above, in Akira pillars 3 and joints 4 are located at the corners and not stiffeners on the shell panels. In addition, there is no suggestion in Akira to adapt the corner pillars as stiffeners on the shell

panels, let alone to adapt the corner pillars as stiffeners on the interior of the side panel. Indeed, the purpose of Akira was to replace side plates easily and to replace them with the fewest number of side plates, and therefore it would not have been obvious to adapt the corner pillars in Akira as stiffeners without use of impermissible hindsight. Furthermore, it is submitted that it would not have been obvious at the time, where structural support elements were hidden out of view for aesthetic reasons.

See Applicant's Response dated September 13, 2006 at p. 7.

As stated above, the pillars 3 and joints 4 of Akira are corner pieces and are not "stiffeners on the interior of the shell panels to provide suitable support" since the stiffeners on the interior of the shell panels are not located at the corners of the elevator cab as in Akira.

It would not have been obvious to provide "stiffeners on the interior of the shell panels to provide suitable support" in view of Akira and Lazar.

The Examiner has asserted that:

It would have been obvious to one of ordinary skill in the art at the time of the invention to include stiffeners as taught by Akira on the interior of the shell panels disclosed by Lazar to facilitate support.

See Office Action dated November 3, 2006 at p. 3.

Applicants submit that this is incorrect that that it would not have been obvious to one of ordinary skill in the art to include stiffeners on the interior of the shell panels to facilitate support.

There is nothing in the references to suggest, modify or motivate one of ordinary skill in the art to provide “stiffeners on the interior of the shell panels to provide suitable support” and the Examiner has pointed to no such disclosure.

Instead, the Examiner has stated:

In this case, the suggestion to combine Lazar U.S. Patent No. 4700809 in view of Akira JP Publication No. 06-144748 comes from knowledge of persons of ordinary skill in the art that adding corner pillars would provide a stiffer elevator cab.

See Office Action dated November 3, 2006 at p. 10.

The Examiner’s rationale fails to make a *prima facie* case for obviousness of the subject matter of claim 1. Claim 1 requires “stiffeners on the interior of said shell panels” which, as explained above, are not the “corner pillars” as disclosed by Akira. Thus, even if persons of ordinary skill in the art understood that adding corner pillars would provide a stiffer elevator cab, such does not make obvious providing “stiffeners on the interior of said shell panels” in a cab where “vertical corner trim stiffeners” are also provided by claim 1.

Furthermore, applicant has rebutted any *prima facie* case of obviousness by showing that neither Akira nor Lazar provide any suggestion or motivation to provide “stiffeners on the interior of said shell panels” by showing that Akira’s structures are located at the corners of the can, and that neither Akira nor Lazar show stiffeners on the interior of the shell panels to provide suitable support.

In addition, modifying Akira to provide stiffeners on the interior of the side panels as the Examiner suggests would make it difficult to remove and replace the shell panels and thus defeat the stated purpose of Akira “to replace side plates easily and replace them with the fewest number of side plates”. Since Akira does not disclose “stiffeners on the interior of said shell panels,” and since Akira teaches away from use of stiffeners on the interior of shell panels, Akira does not provide any suggestion or motivation that the corner pillars should be modified to “stiffeners on the interior of said shell panels” as required by claim 1.

It should also be noted that an important purpose of the claimed invention is to maximize the interior space of the elevator cab. See, e.g., page 1 of the specification. Nowhere in the cited references is there any suggestion or motivation of providing stiffeners on the inside of the shell panels to maximize the interior space of the elevator cab. Accordingly, the subject matter of claim 1 provides improved results that would not result from a combination of the references as suggested by the Examiner.

In addition, to the extent that providing stiffeners on the interior of said shell panels “comes from knowledge of persons of ordinary skill in the art” as asserted by the Examiner based on personal knowledge, it is **necessary** that the Examiner provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding since none of the documentary references, upon which the Examiner relies,

provide stiffeners on the interior of the shell panels. As applicants pointed out in their prior response:

To the extent the Examiner relies upon Official Notice to provide the missing claim limitation to support a case for obviousness, applicants request the Examiner to provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding **as required** by 37 C.F.R. 1.104(d)(2).

See Applicant's Response dated September 13, 2006 at p. 8 (emphasis added).

For ease of reference, the Regulations of the U.S.P.T.O provide:

When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and **the reference must be supported**, when called for by the applicant, by the affidavit of such employee...

See 37 C.F.R. 1.104(d)(2)(emphasis added). See also MPEP 2144.03. Indeed, the Manual of Patent Examination Procedure states that reliance on common knowledge in the art without supporting documentary evidence should be "rare when an application is under final rejection," such as here where the application is under final rejection. See MPEP 2144.03(A)(emphasis added).

By providing stiffeners on the interior of said shell panels to provide suitable support, and decorative panels mounted on the shell panels on the interior of the cab and mounted between the stiffeners, the present invention provides for a structurally sound elevator cab that is not disclosed or suggested by the cited references. Such a construction according to the present invention provides for an elevator cab having suitable structural support while increasing cabin space, such as for passengers, and

allowing for the use of decorative panels to maintain the aesthetic appearance of the interior of the elevator cab.

It would not be appropriate to rely upon an assertion that this important aspect of the invention, not shown in any of the references cited by the Examiner, is well known in the art without proper support. Assertions of specific knowledge of the prior art “must always be supported by citation to some reference work recognized as standard in the pertinent art.” MPEP 2144.03(A)(emphasis added) (“Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known.”); see also *In re Eynde*, 480 F.2d 1364 (“We reject the notion that … administrative notice may be taken of the state of the art”).

Brounn does not disclose or suggest “stiffeners on the interior of the shell panels to provide suitable support” as required by claim 1.

Brounn also fails to disclose or suggest “stiffeners on the interior of the shell panels to provide suitable support” as required by claim 1.

The Examiner has stated that:

Broun teaches an elevator cab construction including stiffeners, referred to as intermediate columns 38, 39, 60, 65, to provide suitable support...

See Office Action dated November 3, 2006 at p. 3.

The columns in Brounn are not stiffeners “stiffeners on the interior of the shell panels to provide suitable support” as required by claim 1 since Brounn does not provide shell panels. Brounn uses the columns to create a skeleton for an elevator cab, and thus the columns in Brounn are not “on the interior of the shell panels” as required by claim 1.

In the “Response to Arguments” the Examiner has stated that:

“applicant provides no support for why intermediate columns 38, 39, 60, 65 are not stiffeners.”

See Office Action dated November 3, 2006 at p. 11.

Applicants respectfully submit that this is incorrect. Applicants provided such support and basis for why Brounn does not disclose “stiffeners on the interior of said shell panels to provide suitable support” as follows:

In Brounn, columns 38 and 39, and intermediate columns 60, 65 are described as rigidly connected to beams 34 and 35. There is no disclosure that the columns act as “stiffeners on the interior of [the] shell panels to provide suitable support.” Thus, the columns in Brounn are connected to the beams 34 and 35 and perform differently than the claimed stiffeners.

See Applicants' Response dated September 13, 2006 at p. 8 (emphasis added).

Specifically, Brounn describes “using frame wall structures to form a rigid skeleton chassis, [and] lightweight decorative panels to form the cab walls...” Col. 1, lines 49-50. Thus, columns 38, 39, and intermediate columns 60, 65 provide the components

of the skeleton chassis, which are not provided as “stiffeners on the interior of the shell panels” since Brounn does not provide such shell panels.

Lazar, Akira, or Brounn do not disclose or suggest providing “decorative panels mounted in said shell panels on the interior of said cab and mounted between said stiffeners” as required by claim 1.

In addition, neither Lazar, Akira, nor Brounn, whether taken alone or in combination, disclose or suggest providing decorative panels mounted on shell panels on the interior of the cab and mounted between the stiffeners.

The Examiner has stated that:

"Brounn teaches an elevator cab construction including ... decorative panels, referred to as wall panels 28, 39, 30, 45, 46, 52, 53, mounted on the interior of the cab and mounted between the stiffeners 38, 39, 60, 65."

See Office Action dated November 3, 2006 at p. 3.

Applicants respectfully submit that this is incorrect. The wall panels in Brounn are mounted on the columns in Brounn, and are not “decorative panels mounted in said shell panels on the interior of said cab and mounted between said stiffeners” as required by claim 1.

In the “Response to Arguments” the Examiner has indicated that:

although Brounn teaches decorative panels, referred to as wall panels 28, 29, 30, 45, 46, 52, 53 mounted on top of stiffeners, referred to as intermediate columns 38, 39, 60, 65, this does not prevent the decorative panels from also being mounted between the stiffeners 38, 30, 60, 65.

See Office Action dated November 3, 2006 at p. 11.

Applicants respectfully submit that this is incorrect. Brounn's skeleton construction lacks shell walls for mounting decorative panels between the stiffeners. See, e.g., Fig. 1. Further, it is submitted that the Examiner's rationale does not establish a *prima facie* case of obviousness since none of the cited references provide "decorative panels mounted in said shell panels on the interior of said cab and mounted between said stiffeners." In addition, nowhere in Brounn is there any disclosure or suggestion to provide "decorative panels mounted in said shell panels on the interior of said cab and mounted between said stiffeners" as required by claim 1.

The Examiner has also stated that:

It would have been obvious to one of ordinary skill in the art at the time of the invention to mount decorative panels as taught by Brounn on the shell panels of the interior of the cab and between the stiffeners disclosed by Lazar to provide a decorative finish to the interior of the elevator cab.

See Office Action dated November 3, 2006 at p. 3.

Applicants have shown that there is no suggestion or motivation to modify the teachings of Brounn, since Brounn mounts the decorative panels on top of the stiffeners for aesthetic reasons, and accordingly Brounn also teaches away from providing "stiffeners on the interior of said shell panels to provide suitable support" as required by claim 1, and a person of ordinary skill in the art would not

have modified the teachings of Brounn to provide these elements. Thus, it is submitted that providing “decorative panels mounted in said shell panels on the interior of said cab and mounted between said stiffeners” was not obvious at the time, where structural support elements were hidden out of view for aesthetic reasons.

In view of the foregoing, applicants submit that a *prima facie* case of obviousness of the subject matter of claim 1 in view of the cited references has not been established. Nowhere in the cited references is there any description or suggestion of providing the decorative panels in between stiffeners and provided on the inside of the shell panels to maximize the interior space of the elevator cab. Structures in the cited references that may comprise a decorative finish are mounted on top of support structures, not in between.

An important purpose of the instant invention is to maximize the interior space of the elevator cab, and accordingly the subject matter of claim 1 provides a novel construction which provides suitable support while allowing for decorative panels to be mounted on the shell panels to preserve the aesthetic appearance of the interior of the elevator cab.

To the extent the examiner seeks to utilize personal knowledge as official notice, applicants have requested that the Examiner provide an affidavit or declaration setting forth specific factual statements and explanation to support the

finding as discussed above. See 37 C.F.R. 1.104(d)(2); MPEP 2144. It would be improper to rely on personal knowledge to establish the important aspects of the invention, especially upon final rejection. See MPEP 2144.03(A).

Claim 2

Claim 2 has been rejected under 35 U.S.C. § 103 as being unpatentable over Lazar, in view of Akira and Brounn, and further in view of U.S. patent No. 4,635,756 to Sherwood.

For at least the reasons disclosed above with regard to claim 1, Sherwood also does not disclose the subject matter of claim 2. In addition, Sherwood does not suggest or disclose the shell panels having “opening to the elevator shaft to provide ventilation through said stiffeners.” Sherwood only provides ventilation holes, and does not disclose the stiffeners on the inside of the shell panels, and decorative panels therebetween, whereby ventilation through the stiffeners would then be provided by openings in the shell panels, as required by the claims.

Claim 3

Claim 3 has been rejected under 35 U.S.C. § 103 as being unpatentable over Lazar, in view of Akira, Brounn, and Sherwood, and further in view of JP 06-001569 to Norihisa.

For at least the reasons disclosed above with regard to claims 1 and 2, Norihisa also does not disclose the subject matter of claim 3. Specifically, Norihisa does not

disclose or suggest “stiffeners on the interior of [the] shell panels to provide suitable support.” Accordingly, Norihisa does not disclose or suggest the stiffeners of claim 1, nor the stiffeners of claim 3 which are attached to the inside of the shell panels. Nor is there any disclosure in Norihisa that structures 25 are stiffeners as claimed. Furthermore, the structure 25 in Norihisa is shown as attached to the outside of an inner-wall structure, and thus Norihisa neither discloses nor suggests the subject matter in claim 3.

Claim 4

Claim 4 has been rejected under 35 U.S.C. § 103 as being unpatentable over Lazar, in view of Akira, Brounn, and Sherwood.

For at least the reasons disclosed above with regard to claims 1 and 2, the subject matter of claim 4 is not obvious over the cited art. In addition, Brounn does not disclose or suggest providing decorative panels that are “approximately the same thickness as [the] vertical stiffeners and extend inwardly from [the] shell panels.”

Applicants submit that nowhere in Lazar, Akira, or Brounn is there any suggestion or disclosure of providing decorative panels that are “approximately the same thickness as [the] vertical stiffeners and extend inwardly from [the] shell panels” Claims 5 - 10

In the Office Action dated November 3, 2006, at page 5, the Examiner indicated that Claim 11 has been rejected. Claim 11 has been cancelled by applicants in the response dated September 13, 2005, and accordingly the rejection is moot.

Claims 5 - 10 have been rejected under 35 U.S.C. § 103 as being unpatentable over combinations of Lazar, in view of Akira, Brounn, U.S. Patent No. 4,635,756 to Sherwood, JP Publication No. 06-001569 to Norihisa, and JP Publication No. 05-330765 to Norihisa.

For at least the reasons disclosed above with regard to claims 1 - 4, none of the cited references disclose the subject matter of claims 5 - 10. Specifically, none of the references disclose or suggest “stiffeners on the interior of [the] shell panels to provide suitable support.” In addition, for at least the reason that the unique construction of the subject matter of claim 1-4 are non-obvious in view of the cited references, the modifications and additions delineated in dependent claims 5-10 would not have been obvious in view of the cited references, whether taken alone or in combination.

In addition, Seki does not suggest or disclose a transom riser section offset from the plane of the shell panels, as required by claim 6, since “reinforcement 9” is not a shell panel as described by the Examiner.

Furthermore, Seki does not suggest or disclose a base and transom which are both channel shaped and offset outwardly from the vertical plane of the shell panels toward the elevator interior, as required by claim 7, since “reinforcement 9” is not a shell panel as described by the Examiner, and because “side plate 3” is not a base and transom as described by the Examiner.

Norihisa also does not disclose or suggest “vertical hat-shaped interior stiffeners formed on [the] shell panels” as required by claim 7. The structure 25 in Norihisa is shown as attached to the outside of an inner-wall structure.

Sherwood does not suggest or disclose the shell panels having “opening to the elevator shaft to provide ventilation through said stiffeners” as required by claim 9. Sherwood only provides ventilation holes, and does not disclose the stiffeners on the inside of the shell panels, and decorative panels therebetween, whereby ventilation through the stiffeners would then be provided by openings in the shell panels, as required by the claims.



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Conclusion

For at least the above stated reasons, and for the reasons stated in Applicants response dated September 13, 2006, applicants submit that the subject matter of the pending claims is patentable over the cited art and respectfully requests reconsideration and allowance of the pending claims.

The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account 23-3428.

Dated:

Respectfully submitted,

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